

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 30672 of 2007(B)

PETITIONERS:

1. T.P. ISMAIL, S/O. KUNJAYIN,
AGED 45 YEARS, THALAPPOYIL HOUSE, KAITHAPPOYIL P.O.
THAMARASSERY (VIA), KOZHIKODE DISTRICT.
2. ABU KUNNUMMAL,
KUNNUMMAL HOUSE, PARAPPANPOYIL P.O.,
THAMARASSERY (VIA), KOZHIKODE DISTRICT.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS:

1. THE DISTRICT COLLECTOR,
COLLECTORATE, CIVIL STATION, KOZHIKODE.
2. THE TAHSILDAR,
TALUK OFFICE, KOZHIKODE.
3. THE VILLAGE OFFICER,
PUDUPPADY VILLAGE, THAMARASSERY (VIA),
KOZHIKODE DISTRICT.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ANTONY DOMINIC,J.

W.P (C) No. 30672 of 2007

Dated this the 16th October, 2007

J U D G M E N T

Exhibits P6 and P10 are the two orders issued under the Kerala Land Conservancy Act, 1957 requiring the petitioners to vacate from the land mentioned therein. It is submitted by the petitioners that they are in possession of the land and that the aforesaid orders have been passed without notice. A perusal of Exhibits P6 and P10 also reveals that no notice has been given to the petitioners and it is evident that there is violation of the principles of natural justice.

2. In the light of this, I am inclined to dispose of this writ petition with the following directions.

3. Exhibits P6 and P10 shall be treated as notices and the petitioners will be entitled to file their objections thereto. Petitioners shall file objections, within three weeks from today, in which event, the 2nd respondent will consider the objections of the petitioners and pass orders thereon, with notice to them. The 2nd respondent shall do the same, within one month from the date of receipt of their objections from the petitioners.

In view of the above, I clarify that in the meantime, no further proceedings pursuant to Exhibit-P6 and P10 shall be initiated.

The writ petition is disposed of as above.

(ANTONY DOMINIC, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007